

DEPARTMENT OF AGING

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August 4, 2010

Ms. Linda Zach, Executive Director
Area 12 Agency on Aging
19074 Standard Road, Suite A
Sonora, California 95370-7542

Dear Ms. Zach:

Thank you and your staff for your time and hospitality during the monitoring visit to the Area 12 Agency on Aging and the Mother Lode Long-Term Care Ombudsman Program (LTCOP) by the Office of the State Long-Term Care Ombudsman (OSLTCO). It was a pleasure to hear of the Ombudsman Program's management, advocacy, and service to residents of long-term care (LTC) facilities. The best practices, observations, recommendations, and findings listed below are to provide guidance in addressing required corrective action specific to Program standards required by the Older Americans Act and the Older Californians Act. In addition, please find attached the monitoring tool prepared by Hester Bryant during her monitoring visit to the Mother Lode Long-Term Care Ombudsman Program on June 8-10, 2010.

Best Practices:

The Program Coordinator has established a cooperative relationship with a neighboring Program and the two have a joint annual picnic. They are discussing expanding the relationship to include shared trainings for the volunteers of both Programs. This collaboration gives volunteers and staff of both programs a chance to share ideas and experiences to provide better service to LTC residents.

The Program identified a trend in local Residential Care Facilities for the Elderly (RCFEs), who were "dumping" residents with behavioral issues in hospital emergency rooms and refusing to take them back into the RCFEs. The Coordinator held a meeting with representatives of local law enforcement, the Behavioral Health Department, Adult Protective Services, hospital discharge planners, and others. This stake-holder group brainstormed better ways to handle the behavioral issues of LTC residents. Based on these meetings, the Program applied for and received a grant from the local Behavioral Health Department to provide Outreach and Engagement services to assist with resolving behavioral issues in LTC facilities. With the support of the stake-holder group, the Program was able to end the "dumping" practice and prevent unnecessary trauma and upheaval for LTC residents. The Outreach and Engagement Program was expanded in 2009 with a federal demonstration grant.



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Observations:

The Program has dedicated staff and volunteer representatives who demonstrate a clear understanding of the Program role and responsibility. Addressing and resolving resident complaints is a priority for Program representatives. Commitment to improving the quality of life and quality of care for residents is evident.

Program staff has a cooperative relationship with the Area Agency. The Program Coordinator is involved in all areas of planning and budget for the Program.

The Program office is well organized, comfortable, and welcoming. Co-location with legal services provides foot traffic and additional access to Ombudsman services. The office layout provides areas for confidential Ombudsman services.

Recommendations:

The Program assesses its effectiveness through surveys provided to volunteers, LTC facility employees, and community agencies. OSLTCO recommends that the Program also create an evaluation survey to be completed by their customers: long-term care facility residents, so that they can provide valuable feedback on the Program services provided to them.

Findings:

- Inconsistent practices in documenting obtained consent.
- Inconsistent practices in documenting the actions Ombudsman representatives take when investigating and resolving complaints.
- Ombudsman Program brochures contain some inaccurate descriptions of Program responsibilities.
- Ombudsman posters observed in LTC facilities lacked the address of the local LTCOP.

Corrective Action: Please submit a Corrective Action Plan to our office by October 4, 2010.

Once again, thank you for your hard work on behalf of residents of LTC facilities. Your support of the local LTC Ombudsman Program is appreciated. Should you have questions concerning this report, please contact Hester Bryant at 916-419-7510 or via e-mail at hbryant@aging.ca.gov.

Sincerely,

(Original Signature Redacted)

Joseph Rodrigues
State Long-Term Care Ombudsman

cc: Kathi Toepel, Ombudsman Program Coordinator
Hester Bryant, OSLTCO Analyst

Enclosure (1)

MONITORING TOOL FOR OMBUDSMAN PROGRAM SERVICE PROVIDERS (TITLE III-B/VII-A) AND ELDER ABUSE PREVENTION PROGRAMS (TITLE VII-B)

Area Agency on Aging (AAA): Area 12 Agency on Aging		PSA: 12
Local Long-Term Care Ombudsman Program (LTCOP): Mother Lode LTCOP		
Date of Monitoring Visit: 06/08 – 06/10/2010	Location: Sonoma, CA	
California Department of Aging (CDA), Office of the State Long-Term Care Ombudsman (OSLTCO) Analysts: Hester Bryant and Eden Rosales		
OSLTCO Analyst Hester Bryant's Telephone Number: 916-928-2199		
AAA Staff in Attendance: Linda Zach, Pauline White, and Sharon Swanger		
AAA Sub-Contractor Staff and Local LTCOP Staff in Attendance: Kathi Toepel		

Section A is completed by the AAA when the LTCOP services are contracted to an outside agency. Proceed to Section B if the LTCOP is a direct service of the AAA. Please use the Description/Comments box to record your answers.

ITEM	YES	NO	DESCRIPTION/COMMENTS
SECTION A – AAA MANAGEMENT OF THE LTCOP			<i>OSLTCO Comments in Italics</i>
1. Does the AAA provide technical assistance to and coordinate with the local LTCOP? [22 CCR §7252(a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the types of technical assistance provided.</i> The vast majority of the technical assistance is done by our Fiscal Officer regarding fiscal issues/training.
2. Does the AAA conduct efforts to facilitate the community awareness of and involvement in addressing the needs of residents in long-term care (LTC) facilities? [22 CCR §7252(c)(3)(C); 42 USC 3027]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe efforts.</i> Information is provided at outreach events which are done by our I&A program. <i>AAA Info van travels around the Planning and Service Area, distributes information to the public, including LTCOP brochures. AAA also participates in health fairs and senior symposia.</i>
3. Does the AAA maintain the minimum funding requirements for the LTCOP? [42 USC 3026(a)(9)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Confirmed by OSLTCO.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
4. Does the AAA regularly procure the LTCOP? [22 CCR §7352(a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the procurement process and frequency.</i> A Request for Proposal (RFP) is issued every four years. <i>RFP is in process. OSLTCO was informed that the current contracted provider is the only one to express interest.</i>
5. Does the AAA have an existing contract for the LTCOP? [22 CCR §7364]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Does the AAA conduct regular monitoring of the LTCOP? [AP Contract, Exhibit A]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO was informed that monitoring is done annually using the LTCOP monitoring tool. Most recent monitoring tool was provided.</i>
7. Does the AAA regularly meet with the LTCOP? How often? [AP Contract, Exhibit A]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meetings are held quarterly and as needed. <i>The Area Agency office is within a mile of the LTCOP office. Agency and Program representatives reported talking at least by telephone every day. OSLTCO representatives observed good and easy communication between representatives of the two offices.</i>
8. Does the AAA submit required financial reports on time, as specified in the AP contract? [AP Contract, Exhibit B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the AAA involve the LTCOP in the development of Area Plan Goals, Objectives, and Units of Service? [CFR 1321.61(b)(4); Area Plan Guidance 2009-2012 Part II Section 11; 42 USC 3026(a)(5)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Is the contractor aware that they must assure that a LTCOP will be available to carry out the responsibilities of the Program in the event that an existing LTCOP is terminated? [AP Contract, Exhibit E]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ITEM	YES	NO	DESCRIPTION/COMMENTS
Section B is completed by the local LTCOP Coordinator. This section is for both contracted services and direct service programs.			
SECTION B -- PROGRAM MANAGEMENT	YES	NO	DESCRIPTION/COMMENTS
1. Does the LTCOP provide services to assist residents of LTC facilities in protecting their health, safety, welfare, and rights? [42 USC 3058g(a)(5)(B)(i); W&I Code §9701(a) and 9720]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe services provided.</p> <p>Weekly monitoring of Skilled Nursing Facilities (SNFs) and visits to Residential Care Facilities for the Elderly (RCFEs) once every two weeks.</p> <p><i>OSLTCO was informed that this schedule is being maintained by volunteers in spite of recent State budget cuts.</i></p>
2. Does the LTCOP inform residents of LTC facilities about the means of obtaining services from the Program and other agencies? [42 USC 3058g(a)(3)(C)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe how the LTCOP conducts outreach.</p> <p>Staff and volunteers provide regular presentations, brochures, and familiarize facility residents and staff.</p>
3. Does the LTCOP Coordinator ensure that residents of LTC facilities have regular and timely access to the services provided by the Program? On average, how long does it take for the LTCOP to respond to a complaint? <i>The CDA OSLTCO Analyst will select and review a minimum sample of five case files.</i> [42 USC 3058g(a)(3)(D); W&I Code §9720(b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Depending on the severity of the complaints, depends on the response time – most calls are responded to within 24 hours, unless a crisis and then it is responded to immediately.</p> <p><i>Intake staff member, Mary Jennings, showed OSLTCO representatives the computer-based data system developed by the local LTCOP for contacting volunteers and keeping track of calls and response times.</i></p>
4. Does the LTCOP have a primary and secondary contact for taking CRISISline calls after-hours? [W&I Code §9726(a)(2)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><i>Because of recent staff turnover, the Coordinator is currently taking all after-hours calls. She advised OSLTCO that she will add an additional contact to the CRISISline list.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
5. Does the LTCOP represent the interests of residents of LTC facilities before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents? [42 USC 3058g(a)(5)(B)(iv); W&I Code §9721 (a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe your activities in this area.</i> Staff and volunteers worked on AB392 and AB2555. Supports regulations that strengthen SNFs and RCFEs staff and other requirements.
6. Does the LTCOP provide training for representatives of the local Office? [42 USC 3058g(a)(3)(H)(i); W&I Code §9719]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please discuss the frequency and content of training provided.</i> Monthly CEU meetings with guest speakers, regulation updates, and other materials of interest. Encourages attendance at community trainings. <i>OSLTCO was provided agendas for recent monthly meetings. Volunteers reported good attendance at meetings and effective training provided.</i>
7. Does the LTCOP review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents? [42 USC 3058g(a)(5)(B)(v)(I)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe your activities in this area and any limitations you may have in this area as a result of your organizational structure.</i> Appears before local Boards of Supervisors, trips to Sacramento to support bills and other legislation, letters to appropriate source to further LTCO services and funding.
8. Does the LTCOP facilitate the ability of the public to comment on laws, regulations, policies, and actions? [42 USC 3058g(a)(5)(B)(v)(II)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe your activities in this area and any limitations you may have in this area as a result of your organizational structure.</i> Works with Golden Agers for Progress (GAP) on issues which also includes community focus groups. <i>Among other things, GAP representatives contact legislators and committees to speak in favor of legislation supporting senior LTC residents and the LTCOP.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
9. Does the LTCOP promote the development of citizen organizations to participate in the Program (e.g., citizen advocacy groups)? [42 USC 3058g(a)(3)(H)(ii)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><i>Please describe your activities in this area.</i></p> <p>Assisted in the development of Financial Abuse Specialist Teams – also works closely with GAP and attendance at IDTs and MDTs.</p> <p><i>OSLTCO was informed that the LTCOP also sponsors a yearly elder awareness conference which is well attended.</i></p>
10. Is the LTCOP involved in the development and support of resident and family councils? [42 USC 3058g(a)(5)(B)(vi); W&I Code §9726.1(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><i>Please describe your activities in this area, e.g., the number of resident and family council meetings attended on an annual basis.</i></p> <p>Attends Resident Council Meetings when invited and working to set-up more Family Councils.</p> <p><i>OSLTCO was informed that LTCOP staff and volunteers are very active in resident councils. The local Program is working to encourage more family councils in facilities.</i></p>
11. Do representatives of the LTCOP conduct all interviews and investigations in a confidential manner? <i>The CDA OSLTCO Analyst will select and review a minimum of five case files.</i> [42 USC 3058g(d) et seq.; W&I Code §9725]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><i>Please describe how interviews are conducted and the phone and voice mail systems used.</i></p> <p>Interviewed are conducted in private with residents, witnesses, and any other involved persons.</p> <p><i>OSLTCO observed intake worker using extreme care to keep telephone and in-person conversations confidential. Case records are kept in a locked filing cabinet. However, documentation of consent in case records is inconsistent.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
12. Is the LTCOP Coordinator exercising responsibility for the management of daily operations of the Program? [W&I Code §9701 (e)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please provide a copy of the LTCOP Coordinator's duty statement or job description.</i> <i>Job description was provided.</i>
13. Is the approved agency and its representatives free from conflicts of interest and unable to gain financially through an action or potential action initiated on behalf of individuals the Ombudsman serves? <i>The CDA OSLTCO Analyst will select and review a minimum of five signed conflict of interest statements from staff and/or volunteer personnel files.</i> [42 USC 3058g(a)(5)(C)(ii)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the methods used to remove potential or actual conflicts of interest.</i> Each volunteer signs a "Conflict of Interest" form before certification. <i>Coordinator's statements indicate a clear understanding of conflict of interest provisions. OSLTCO identified one staff personnel file that did not contain a signed conflict of interest form. This was corrected on the spot.</i>
14. Does the LTCOP coordinate services with other agencies in the community? [42 USC 3058g(h)(6) et seq.; W&I Code §9717, et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please discuss the agencies with which the LTCOP coordinates activities, and the objective of the association.</i> These agencies include the DA's office, APS, Behavioral Health, local banks, attorneys, and other businesses.
15. Does the LTCOP have a Memorandum of Understanding in place with the Title III Legal Services Provider? [42 USC 3058g(h)(7); W&I Code §9717 (c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please discuss the relationship between the two organizations.</i> Legal Program in our office and partially funded by A12AA. <i>Legal advice and referral appears easily accessible to the Program and to local seniors.</i>
16. Does the LTCOP ensure that every LTC facility posts a copy of the Ombudsman poster (one in RCFEs and four in SNFs)? [W&I Code §9718; H&S Code 1422.6]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the process used.</i> Ensures all required posters are visible to residents. <i>On facility visits, OSLTCO observed posters in place with correct telephone numbers, but lacking local address.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
17. Does the LTCOP make appropriate referrals of complaints? [W&I Code, Section 9721 et seq.; W&I Code §15630(a)(A)(i) et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please discuss the referral process, the types of referrals made, to whom, and if the LTCOP follows up on complaints referred.</i> SOC341 can be referred to CCL, DPH, Law Enforcement, DAs, APS. Follow-up includes phone calls, if necessary, to referral results.
18. Do representatives of the LTCOP have the right of entry to LTC facilities? What does the representative do if access is denied? [42 USC 3058g(b)(1)(A); W&I Code §9722 (a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If there is a problem with volunteers entering a facility, they contact the Program Coordinator. If the Program Coordinator has difficulty, she produces the regulations. Should this process fail, local law enforcement is to be contacted and then the State Office.
19. Does the LTCOP follow the procedures established for after-hours entry into a LTC facility? Under what circumstances does an Ombudsman enter a facility after-hours? [22 CCR §8020]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Volunteer must have permission. The Program Coordinator accompanies the Volunteer where there is a crisis such as physical or sexual abuse.
20. Does the LTCOP follow the prescribed method of gaining access to the medical or personal records of residents? [W&I Code §9724, et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the process used.</i> Ombudsman obtains permission from the Resident or POA before accessing medical or personal records. <i>Review of case files showed inconsistent documentation of discussion with residents and obtaining consent.</i>
21. Does the LTCOP have a Board of Directors or Advisory Council? Does the Board or Council meet on a regular basis? Are there any vacancies on the Board or Council? Are Board or Council members free from conflicts of interest? <i>The CDA OSLTCO analyst will review the minutes from the last two meetings of the Advisory Council and/or Board of Directors.</i> [PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO was told that there is an advisory council, although the members come to meetings, it is difficult to get them to take the lead on projects. The Program Coordinator stated that she is working on ways to get them more involved.</i>
22. Does the LTCOP have job descriptions for all staff (paid and volunteer)? [PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Job descriptions in place and satisfactory.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
23. Does the LTCOP regularly recognize volunteers working in the Program? [PM 03-13]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO was informed that volunteers are recognized at an annual lunch and on their birthdays. The Program also identifies a Volunteer of the Year and holds a holiday potluck.</i>
24. Does the LTCOP have up-to-date printed materials to increase public awareness about the Program? How are the printed materials distributed? [Program Guide, Section 301]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>They are distributed through community presentations, churches, A12AA, and our office.</p> <p><i>OSLTCO observed that brochures contain some information that is out-of-date and inconsistent with Program requirements. Brochures state that the Program serves users of adult day health care centers, when it is actually only responsible for investigating reports of suspected abuse in those facilities. The brochure also states that representatives of the Program are mandated to witness Durable Powers of Attorney for SNF residents. They are only required to witness Advanced Health Care Directives. The brochure uses a dictionary definition of Ombudsman as a "government official," which is misleading when applied to the LTCOP.</i></p>
25. Does the LTCOP conduct educational activities in the community? Please discuss the type and number of training sessions provided, where and to whom the activities were provided. [W&I Code §9726.1; PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mandated Reporters Training to all, certified nursing assistants training, staff trainings, approx 12 per year. Also involved in FAST community trainings.
26. Does the LTCOP provide training for LTC facility staff? Please describe the type and number of training sessions provided. [PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please see #25</p> <p><i>During facility visit, OSLTCO observed Coordinator discussing an upcoming training session with facility staff.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
27. Does the LTCOP witness AHCDs and Property Transfers? <i>The CDA OSLTCO analyst will select and review a minimum of five AHCDs and Property Transfers.</i> [Probate Code §4675; H&S Code §1289]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the process used.</i> <i>OSLTCO was provided with forms used by the Program to instruct volunteers on this process and for them to document attempts to witness. LTCOP representatives attempt three times to witness.</i>
28. Does the LTCOP have access to all relevant laws, regulations, etc., i.e., Legislative web site? [42 USC 3058g(a)(5)(B)(v)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Leginfo.ca.gov.</i> <i>OSLTCO provided Program Coordinator with link to Office of Administrative Law, (oal.ca.gov), which also has links to State regulations and federal code and regulations.</i>
29. Are representatives certified by the State Ombudsman before assuming their responsibilities and working in facilities? [W&I Code §9719.(a)2; Program Guide, Section 305]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO records show this process is followed consistently.</i>
30. Is the LTCOP Coordinator submitting requests for the decertification of representatives to the State as soon as the volunteer or paid staff member resigns or is terminated? [PM 07-17; PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO was provided with copies of procedures.</i>
31. Are there grievance procedures in place to address complaints against the LTCOP from Ombudsman representatives? [Program Guide, Section 308]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO was provided with copies of procedures.</i>
32. Are there grievance procedures in place to address complaints against the LTCOP from consumers? [22 CCR §7400 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO was provided with copies of procedures.</i>
33. Does the LTCOP follow State background clearance procedures? [W&I Code 9719; PM 07-17]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO records indicate that procedures are followed.</i>
34. Does the LTCOP have a copy of the LTC Ombudsman Core Elements and related tools? How does the Program use the core elements? [California LTC Ombudsman Core Elements]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Monitoring.</i>
35. Has the LTCOP used the Core Elements Self-Assessment Tool? [California LTC Ombudsman Core Elements]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>During discussion, the Program Coordinator indicated that she has used the self-assessment tool. She reported that it was especially helpful when she was new to the Program.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
Section C is completed by the local LTCOP Coordinator and the program's fiscal officer.			
SECTION C – FISCAL & ADMINISTRATIVE SUPPORT	YES	NO	DESCRIPTION/COMMENTS
1. Is the LTCOP Coordinator responsible for establishing and monitoring the budget for the Program? [AP Contract, Exhibit E]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe how the LTCOP Coordinator establishes the budget and monitors expenditures.</p> <p>Creates and monitors budget for all programs.</p> <p><i>In discussion, both the LTCOP Coordinator and AAA fiscal representative expressed great satisfaction with the new finance director for the contracting agency. Both stated that the Coordinator is responsible for the Programs budget.</i></p>
2. Does the approved organization maintain a separate budget and expenditure accounting for the LTCOP that supports monitoring of the minimum-funding requirement for the Program? [42 USC 3026(a)(9)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe your agency's accounting procedures.</p> <p>Separate cost centers and computerized accounting Software</p>
3. Does the approved organization maintain a separate budget and tracking system for expenditures under the Volunteer Recruitment Initiative? [PM 03-13; PM 04-01]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe your system.</p> <p>Separate cost centers and computerized accounting Software</p>
4. Is there a cost allocation method used by the LTCOP? [PM 03-13; PM 04-01]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe which method is used.</p> <p>See Cost Allocation Plan</p>
5. Does the LTCOP have the office space and telecommunication equipment necessary to protect the confidentiality of all complaint-related communications and records? [PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Please describe your system.</p> <p>Separate office space and computer technology, along with confidential voice mail.</p>
Section D is completed by the local LTCOP Coordinator.			
SECTION D – DATA	YES	NO	DESCRIPTION/COMMENTS
1. Has the LTCOP submitted to the Office of the State Long-Term Care Ombudsman the required quarterly and annual reports by each due date as specified in the contract? [PM 08-29; AP Contract, Exhibit E]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><i>OSLTCO review of data shows Program is consistent in meeting requirements.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
2. If applicable, has the LTCOP submitted a written explanation to the Office of the State Long-Term Care Ombudsman whenever they anticipated delays in the submission of the required data? This must include the reasons for the delay and the approximate date the report will be delivered. [PM 08-29]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO review of data shows Program is consistent in meeting requirements.</i>
3. Are the proper NORS categories being assigned to complaints? Are complaint dispositions appropriately coded? <i>The CDA OSLTCO Analyst will select and review a minimum of five case files.</i> [PM 01-17]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>OSLTCO review of data shows Program is consistent in meeting requirements.</i>

SECTION E– INTERVIEWS WITH OMBUDSMAN VOLUNTEERS

The CDA OSLTCO Analyst shall conduct an interview with a minimum of three volunteer Ombudsman representatives to discuss their perspectives and experiences with the LTCOP. The analyst will record his or her observations in the section below.

OSLTCO representatives interviewed three very dedicated volunteers, one of whom had been with the Program for more than 25 years. The volunteers each provide regular Ombudsman services to either a SNF or a RCFE or both. They all have experience with witnessing AHCDs. One volunteer provides educational programs for community groups and one works as an advocate for additional State funding for the Program.

All of the volunteers OSLTCO representatives spoke with expressed satisfaction with the way the Program is being managed and are happy with the amount of technical assistance and support they are provided by the Coordinator and other paid staff. The volunteers feel that training provided at the monthly meetings is very useful. One volunteer mentioned that the Coordinator has a good system of pairing experienced volunteers with new volunteers until the new volunteers become confident enough to visit facilities on their own.

One volunteer suggested that it might be useful to rotate assigned facilities for a broader range of experiences and another suggested that the Core Curriculum could be updated.

SECTION F – SITE VISITS TO FACILITIES

The CDA OSLTCO Analyst shall arrange a visit to one long-term care facility accompanied by a local Ombudsman representative. The CDA OSLTCO Analyst will record observations in the section below.

OSLTCO representatives visited one SNF and one RCFE in the company of Program Coordinator, Kathi Toepel. During the visits, Kathi's behavior was at all times compassionate, professional, and respectful towards residents and staff. Throughout the visit, she demonstrated commitment to protecting the health, safety, welfare, and rights of residents. OSLTCO representatives observed that Ombudsman posters were in place in both facilities, but lacked the address of the local Program as required by Welfare and Institutions Code section 9718. Many residents and staff members appeared to know Kathi and spoke with her about ongoing activities in the facilities. During the visit to the RCFE, a resident came to Kathi with a complaint. She quickly and efficiently assisted the resident to resolve the issue.

The requirements of the Older Americans Act state that Elder Abuse Prevention funds shall be used for activities to develop, strengthen, and carry out programs for the prevention, detection, assessment, and treatment of elder abuse, neglect, and exploitation.

Sections G, H, and I are completed by the AAA when Elder Abuse Prevention funds are used by an agency other than the local LTCOP.

ITEM	YES	NO	DESCRIPTION/COMMENTS
SECTION G – PROGRAM MANAGEMENT ELDER ABUSE PREVENTION PROGRAM			
1. Does the AAA provide Title VII-B services directly? [AP Contract, Exhibit A]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Please describe the services provided.</i>
2. Does the AAA provide Title VII-B services through a contract with a service provider? <i>The CDA OSLTCO Analyst shall review any existing contracts with service providers.</i> [AP Contract, Exhibit A]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe the services provided.</i> The Mother Lode Office of Catholic Charities – Diocese of Stockton provides the local services. <i>In discussion, OSLTCO was informed that services include community outreach and training, and coordination of services with other agencies.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
SECTION H -- FISCAL SUPPORT ELDER ABUSE PREVENTION PROGRAM			
1. Does the AAA maintain a separate budget and expenditure accounting for the Program? [AP Contract, Exhibit E]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Please describe your agency's accounting procedures.</i> Accrual, Department and classes are set up to separate each funding silo.
2. Does the AAA submit required financial reports to CDA on time, as specified in the AP contract? [AP Contract, Exhibit B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SECTION I – DATA ELDER ABUSE PREVENTION PROGRAM	YES	NO	DESCRIPTION/COMMENTS
1. Does the AAA submit the required data reports to CDA on time, as specified in the AP contract? [AP Contract, Exhibit E]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Catholic Charities submits all program data directly to California Department of Aging with a copy to Area 12.
2. If applicable, has the AAA submitted a written explanation to CDA whenever they anticipated delays in the submission of the required reports? This must include the reasons for the delay and the approximate date the report will be delivered. [AP Contract, Exhibit E]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

SECTION J – CONCLUDING OBSERVATIONS, BEST PRACTICES RECOMMENDATIONS, & CORRECTIVE ACTION REQUIRED

The CDA OSLTCO Analyst will record observations, best practices, in the section below.

Observations:

The Program has dedicated staff and volunteer representatives who demonstrate a clear understanding of the Program role and responsibility. Addressing and resolving resident complaints is a priority for Program representatives. Commitment to improving the quality of life and quality of care for residents is evident.

The Area Agency has a cooperative and supportive relationship with Program staff. The Program Coordinator is involved in all areas of planning and budget for the Program.

The Program office is well organized, comfortable, and welcoming. Co-location with legal services provides foot traffic and additional access to Ombudsman services. The office layout provides areas for confidential Ombudsman services.

Best Practices Identified:

The Program Coordinator has established a cooperative relationship with a neighboring Program and the two have a joint annual picnic. They are discussing expanding the relationship to include shared trainings for the volunteers of both Programs. This collaboration gives volunteers and staff of both Programs a chance to share ideas and experiences to provide better service to LTC residents.

The Program identified a trend in local RCFEs, who were “dumping” residents with behavioral issues in hospital emergency rooms and refusing to take them back into the RCFEs. The Coordinator held a meeting with representatives of local law enforcement, the Behavioral Health Department, Adult Protective Services, hospital discharge planners, and others. This stake-holder group brainstormed better ways to handle the behavioral issues of LTC residents. Based on these meetings, the Program applied for and received a grant from the local Behavioral Health Department to provide Outreach and Engagement services to assist with resolving behavioral issues in LTC facilities. With the support of the stake-holder group, the Program was able to end the “dumping” practice, and prevent unnecessary trauma and upheaval for LTC residents. The Outreach and Engagement Program was expanded in 2009 with a federal demonstration grant.

Recommendations:

The Program assesses its effectiveness through surveys provided to volunteers, LTC facility employees, and community agencies. OSLTCO recommends that the Program also create an evaluation survey to be completed by their customers: LTC facility residents, so that they can provide valuable feedback about the Program services provided to them.

Corrective Action Required:

In order to comply with Program requirements, the following actions should be taken:

- Ensure that Ombudsman Program representatives consistently document consent from residents or their legal representatives to act on complaints, access medical and other records, and disclose confidential information and identities of residents when making cross reports to licensing and law enforcement agencies as required by 42 U.S. Code section 3058g(b) and Welfare and Institutions Code section 9724 .*
- Ensure that case records contain sufficient documentation of the actions Ombudsman representatives take (from case opening, initial action, resolution, satisfaction of the resident/complainant, and case closure) when investigating and resolving complaints.*
- Train all Ombudsman representatives in the practices referenced above.*
- Ensure that Ombudsman Program brochures and publications are up-to-date and contain accurate descriptions of Program responsibilities.*

- *Ensure that the Ombudsman poster contains all of the local Program information required by Welfare and Institutions Code section 9718.*

Timeline for Corrective Action: *Please submit a Corrective Action Plan to our office by October 4, 2010.*

Should you have any questions concerning this report, please contact Hester Bryant, OSLTCO Analyst, at 916-928-2199.